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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,235	08/10/2001	Robert C. Phillips	209009	7980
23460	7590	07/13/2005		
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			EXAMINER REID, CHERYL M	
			ART UNIT 2142	PAPER NUMBER

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/928,235

Applicant(s)

PHILLIPS ET AL.

Examiner

Cheryl M. Reid

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-3 have been examined.

#### ***Claim Rejections - 35 USC § 112***

2. The 112 rejection of claim 1, regarding lack of antecedent basis is withdrawn.

#### ***Response to Arguments***

3. Applicant's arguments filed on April 18, 2005 have been fully considered but they are not persuasive.

#### ***Arguments regarding claim 1***

4. On Page 7 of Applicant's response, Applicant states that Dulcac's patent neither discloses nor suggests Applicant's recited "external network access node." This assertion is respectfully traversed. Examiner asserts that Fig 4, item 158 shows an external network access node because it is a node that allows access to the external network. Examiner is interpreting "external network access node" as any node that provides access or facilitates access to an external network because this gives the broadest reasonable interpretation.

5. Applicant asserts that there is no basis for the assertion that bus 160 is part of the internal network. This assertion is respectfully traversed. Bus 160 of Fig 4, is part of video storage (fig 3, item 112), video storage unit is part of the internal network depicted in Fig 3 (item 52).

6. Applicant asserts that "conversion circuitry for packaging retrieved data to a format for transmission over the internal network" is not met by Dulac disclosure. This

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assertion is respectfully traversed. Dulac teaches (Col 5, lines 45-60) that storage unit 154 provides data striping algorithms and network connection software for attachment to a communications network at network connection 158. Dulac also teaches (Col 5, lines 9-20) that network connections 150 and 158 are connection mechanisms that connect video storage unit 112 to communication bus 110, which examiner asserts is part of an internal network.

***Arguments regarding claim 2***

7. On Page 11 of Applicant's response, Applicant asserts that Dulac's video storage node cannot correspond to Applicant's recited external network access node. This assertion is respectfully traversed. Examiner is interpreting "external network access node" as any node that provides access or facilitates access to an external network because this gives the broadest reasonable interpretation. Dulac does teach of a node that provides access to an external network (fig 4, item 158, Col 5, lines 9-20).

***Arguments regarding claim 3***

8. Applicant stated that the office action did not identify delegation logic for facilitating "identifying a handler from a set of processing elements." Dulac teaches of identifying a handler from a set of processing elements (Fig 5, item 200, 190, 192, 204, Col 7, lines 60-67), wherein video command handler (fig 5, item 200) identifies a handler, wherein the identification is performed by making a call to the video call system (fig 5, item 204) from a set of processing elements (wherein the set of processing

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elements are item 190, 192, and 204). Microsoft Dictionary defines handler as a routine that manages a common and relatively simply condition such as data movement.

Examiner is using this definition because it provides the broadest reasonable interpretation.

9. Applicant states that Dulac does not include the recited "data path from the set of storage drives to the network interface, the data path facilitating data transfers between the set of storage drives and the network interface node." This assertion is respectfully traversed. Dulac teaches of a data path (fig 4, item 160) from the set of storage drives (fig 4, item 154) to the network interface (fig 4, item 150/158, Col 5, lines 9-20).

Examiner contends that the network interface node and network interface are functionality equivalent and therefore can be the same element. Examiner is interpreting a "network interface node" and "network interface" as any element that provides or facilitates access to a network. Examiner is using this interpretation because it gives the broadest reasonable interpretation.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Dulac et al (US 5790794) hereinafter Dulac.

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11. With respect to claim 1, Dulac discloses a network server system for efficiently processing requests for information assets stored upon a set of storage drives, wherein the requests are received via a communicatively coupled network link, the server system comprising:

12. an internal network communicatively coupling nodes within the network data server system (Fig. 3, number 110, Fig. 4, numbers 150, 160),

a supplemental processor node communicatively coupled to the internal network and comprising a general purpose processor and operating system, and wherein the supplemental processor node supports executing application programs (Fig. 3, number 104, col. 4, lines 24-25);

a data storage node (Fig. 4, numbers 154, 162) communicatively coupled to the internal network, the data storage node comprising storage media (Fig. 4, number 162) and conversion circuitry for packaging retrieved data from the storage media to a format for transmission over the internal network (col. 5, lines 55-58)

an external network access node (Fig. 4, number 158) supporting network connections between the network server system and client nodes via an external network (Fig. 2, number 56), the external network interface node comprising:

an external network interface comprising an external network interface engine for executing data transfers between the external network access node and the external network (col. 5, line 45),

an internal network interface comprising an internal network interface engine for executing data transfers between the external network access node and the internal network (col. 5, line 45), and

one or more event engines for executing information asset transfers between the data storage device and the external network in accordance with contexts, maintained by the external network access node (col. 6, line 16-17), describing a present state of executing information asset transfers performed by the one or more event engines (col. 7, line 19-23).

13. With respect to claim 2, Dulac discloses a method for processing requests for information assets stored upon a set of data storage drives by a network server system, wherein the requests are received via a communicatively coupled external network link, the method comprising the steps of:

receiving, by an external network access node (fig 4, item 158) and the union of numbers 152, 156, 158 facilitates the receiving, via the external network link (Fig. 2, number 56), a request for an information asset (col. 6, lines 40-44 and 48-49);

creating, by the external network access node, a context for the request wherein the context includes a buffer identification and a processing engine on the external network access node assigned to execute the request (col. 8, lines 14-17);

submitting, by the external network access node, a request for data from a storage node (Fig. 4, number 162) connected to the external network access node by an internal network (Fig. 4, number 160., col. 8, lines 20-22); and

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receiving, by the external network access node from the storage node, data corresponding to the request for data from the storage node (col. 8, lines 23-25), and storing the received data within memory on the external network access node corresponding to the buffer identification (col. 8, lines 25-26), wherein data transferred from the storage node to the receiving external network node bypasses application memory space (Fig. 3, number 106) on a general processor node (Fig. 3, number 104), and

transmitting, by the external network access node, the received data stored within memory corresponding to the buffer identification, over the external network link (col. 8, lines 35-37).

14. With respect to claim 3, Dulac discloses a network server system for efficiently processing requests for information assets stored upon a set of storage drives, wherein the requests are received via a communicatively coupled network link, the server system comprising; a supplemental processor node (Fig. 3, number 104);

a network interface node (Fig. 4, number 158) comprising:

a network interface (Fig. 4, number 158) communicatively coupled to the network link (Fig. 2, number 56., col. 6, lines 11-12) and configured to receive requests from clients via the network link (col. 6, lines 23-25),

delegation logic facilitating: associating a request type with at least a portion of a new request, identifying a handler from a set of processing elements for executing at least the portion of the new request based upon the request type, and creating a data



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structure linking at least the portion the new request to the identified handler (Fig. 5); and a data path (Fig. 4, number 160) from the set of storage drives (Fig. 4, number 162) to the network interface, the data path facilitating data transfers between the set of storage drives and the network interface node (Fig. 4, 158) containing the set of processing elements (Fig. 4, number 152) that bypass the supplemental processor node.

### ***Conclusion***

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

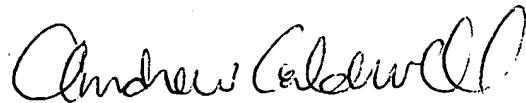
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with a large initial "A" and "C".

**ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER**

cmr